

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:

PETER J. LYNCH, ESQ.

S. Ct. Misc. No. 2020-0011

2020 NOV 24 PM 5:07
SUPREME COURT

ORDER

THIS MATTER is before the Court pursuant to a grievance filed by Peter J. Lynch, Esq., against Tanisha Bailey-Roka, Esq., Chief Disciplinary Counsel, and Mike Holzknecht, Esq., Special Disciplinary Counsel.

Pursuant to Supreme Court Rule 207.13(j), “[d]isciplinary matters involving any member of the ODC, Special Disciplinary Counsel, the PRC, or the Board shall be submitted directly to the Court for the assignment by the Court of a special disciplinary counsel pursuant to Supreme Court Rule 203(c) for the evaluation, investigation, and possible prosecution of the matter.” However, as the court of last resort for the Virgin Islands, this Court possesses the inherent and exclusive authority to regulate the practice of law in the Virgin Islands, including the attorney discipline system. *See In re Burns*, 2020 VI 16 ¶ 11 (citing 4 V.I.C. § 32(e)). While this Court established the Office of Disciplinary Counsel and promulgated the procedure set forth in Rule 207, it did so only to assist it in exercising that exclusive jurisdiction, *see id.*, and has not abdicated any aspect of its inherent power and authority; in fact, it has expressly reserved its authority to “dispose of individual cases of lawyer discipline.” V.I.S.Ct.R. 207.1(a).

Upon review of Attorney Lynch’s grievance, this Court concludes that even if all the allegations against Attorney Bailey-Roka and Attorney Holzknecht were accepted as true, they are not sufficient to raise even an inference that any provision of the Virgin Islands Rules of Professional Conduct were violated. Rather, it appears that all allegations stem from Attorney Lynch’s general dissatisfaction with how Attorney Bailey-Roka and Attorney Holzknecht have

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investigated a grievance filed against him by a client, and may have been filed in retaliation for them declining to dismiss the grievance. Since the grievance, if referred to a special disciplinary counsel pursuant to Rule 207.13(j), would certainly be dismissed under Rule 207.9(a)(ii)(A) for failing to raise a reasonable inference of misconduct on the part of Attorney Bailey-Roka and Attorney Holzknacht, making such a referral would constitute a waste of resources for the disciplinary system. Therefore, this Court will instead exercise its inherent authority under Rule 207.1(a) to order that the grievance be dismissed. Accordingly, it is hereby

ORDERED that the grievance filed by Peter J. Lynch, Esq., against Tanisha Bailey-Roka, Esq., and Mike Holzknacht, Esq., and referred to the Court pursuant to Supreme Court Rule 207.13(j) is **DISMISSED WITHOUT PREJUDICE**. It is further

ORDERED that, in accordance with Supreme Court Rules 207.13(a) and 207.13(e), all documents associated with this matter, including the grievance and this order, **SHALL BE CONFIDENTIAL and SHALL NOT BE DISTRIBUTED OR OTHERWISE DISCLOSED** unless such confidentiality is properly waived by Respondents Bailey-Roka and Holzknacht. It is further

ORDERED that copies of this Order be served on the appropriate parties.

SO ORDERED this 24th day of November, 2020

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

ATTEST:

VERONICA J. HANDY, ESQ.

Clerk of the Court

By: [Signature]
Deputy Clerk

Dated: 11/24/2020

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Copies to: Justices of the Supreme Court

Peter J. Lynch, Esq.

Simone R.D. Francis, Esq., Chair, Board on Professional Responsibility

Tanisha Bailey-Roka, Esq., Chief Disciplinary Counsel

Mike Holzknecht, Esq., Special Disciplinary Counsel

Veronica J. Handy, Esq., Clerk of the Supreme Court

Order Book

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:

SCT-MISC-2020-0011

PETER J. LYNCH, Esq.,
Petitioner.

AMENDED NOTICE OF ENTRY OF FINAL JUDGMENT/ORDER

TO: Justices of the Supreme Court
Peter J. Lynch, Esq.
Simone R.D. Francis, Esq., Chair, Board on Professional Responsibility
Tanisha Bailey-Roka, Esq., Chief Disciplinary Counsel
Mike Holzknacht, Esq., Special Disciplinary Counsel
Veronica J. Handy, Esq, Clerk of the Supreme Court
Order Book

SUPREME COURT
2020 DEC 17 PM 4:36

The parties are hereby **NOTIFIED** that, on November 24, 2020, a final judgment was entered in the above-entitled matter.

Although the Virgin Islands Judicial Case Management System shows that the November 24, 2020 Order was sent by electronic mail to the above-named parties, technical issues may have prevented completion of service. Accordingly, the Court is hereby docketing an Amended Notice of Entry of the Final Judgment/Order and is re-serving the November 24, 2020 Final Judgment.

Dated: December 17, 2020

/s/Veronica J. Handy, Esq.
VERONICA J. HANDY, ESQ.
Clerk of the Court

ATTEST:

VERONICA J. HANDY, ESQ.
Clerk of the Court

By: 
Deputy Clerk II

Dated: 12/17/2020